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Smith-Hill and Bedell, P.C.

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## FACSIMILE COVER SHEET

To: Art Unit 2661

From: Daniel J. Bedell

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Date: September 9, 2004

Fax: 1-703-872-9306

Our ref: TUT 3098

Your ref: 09/767,000

Pages: Cover + 2

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Y. Brian CHEN et al

Art Unit: 2661

Application No: 09/767,000

Examiner:

Filed: January 22, 2001

For: LOCAL SWITCH FOR A BROADBAND  
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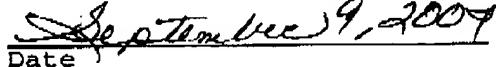
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007812 as the Customer Number for this application.

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Respectfully submitted,

Daniel J. Bedell  
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**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Art Unit: 2661

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MULTIMEDIA TELECOMMUNICATIONS SYSTEM

CERTIFICATE UNDER 37 CFR 3.73(b)  
POWER OF ATTORNEY BY ASSIGNEE

TUT SYSTEMS INC., a Delaware corporation, certifies that it is the assignee of the entire right, title, and interest in the U.S. patent application identified above by virtue of an assignment from the inventors Y. Brian Chen, Nadine Brody, Huaiyeu Yu and Neil Weinstock to Viagate Technologies, Inc. recorded January 22, 2001 at Reel 011490, Frame 0631 and Viswa Sharma to Viagate Technologies, Inc. recorded July 2, 2001 at Reel 011959, Frame 0369 and from Viagate Technologies, Inc. to Tut Systems, Inc. by virtue of the asset purchase agreement dated September 14, 2001 recorded February 17, 2004 at Reel 014983, Frame 0710.

The undersigned declares that he is an officer of TUT SYSTEMS, INC. and is authorized to sign this certificate on behalf of TUT SYSTEMS, INC.; and further declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, Sec. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

TUT SYSTEMS, INC. as Assignee of the entire right, title, and interest in and to this U.S. patent application, hereby revokes any previous Powers of Attorney and appoints the practitioners associated with Customer Number 007812 (John Smith-Hill, Reg. No. 27,730 and Daniel J. Bedell, Reg. No. 30,156) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent.

Send correspondence to the correspondence address associated with Customer Number 007812.

TUT SYSTEMS, INC.

By: C.H. van Duse

Name: C.H. van Duse

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